

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 10, 2003

AMENDED IN SENATE JUNE 25, 2003

AMENDED IN ASSEMBLY JUNE 2, 2003

AMENDED IN ASSEMBLY MAY 6, 2003

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 253

Introduced by Assembly Member Steinberg

February 4, 2003

An act to add Section 1276.41 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 253, as amended, Steinberg. Health facilities: nurse-to-patient ratios.

Existing law relating to the regulation of health facilities requires the State Department of Health Services, by January 1, 2002, to adopt specified regulations with respect to licensed nurse-to-patient ratios for specified health facilities, including acute care hospitals.

This bill would require the department to ensure compliance with these licensed nurse-to-patient ratios by taking specified measures when an acute care hospital is not in compliance. This bill would also authorize the department to assess ~~finer, as prescribed,~~ a \$1,000 fine against those facilities that violate these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) State law providing for licensed nurse-to-patient ratio
4 requirements was enacted to ensure that all acute care hospitals in
5 the state provide the highest level of safe, therapeutic, and
6 effective patient care.

7 (b) The State Department of Health Services has undergone a
8 three-year process of examining current nursing practice standards
9 and hospital staffing patterns and of conducting extensive research
10 regarding the relationship between safe nursing staff levels and
11 positive outcomes for patients. This process established the
12 specific, numerical ratios for safe, licensed nurse-to-patient ratios
13 in all units in general acute care facilities throughout the state.

14 (c) It is among the highest health care service priorities that
15 acute care hospitals comply with these staff ratios to benefit and
16 protect patients.

17 (d) To ensure compliance with these ratios, additional and
18 flexible enforcement mechanisms should be provided to the
19 department when hospitals fail to comply with the law.

20 (e) The study is necessary to establish ratios that include both
21 the best case nursing practices and measurements for patient
22 outcomes that reflect the experience of nurses and patients in acute
23 care facilities.

24 SEC. 2. Section 1276.41 is added to the Health and Safety
25 Code, to read:

26 1276.41. (a) The department shall ensure compliance with
27 Section 1276.4 by unannounced and announced inspections as
28 provided by Section 1279 and existing procedures for the filing of
29 complaints if there is a *substantiated* violation of Section 1276.4
30 as provided in this article.

31 (b) If the department issues a notice of deficiency and the acute
32 care hospital files a plan of correction, the department shall inspect
33 the hospital to ensure compliance with the plan of correction to the
34 extent that *departmental* resources can be allocated for this
35 purpose.



1 (c) If the department determines that *immediate jeopardy exists*
2 *at a hospital or that* a hospital has not complied with the licensed
3 nurse-to-patient ratios required under ~~Section 1276.4 or a plan of~~
4 ~~correction, the department may assess fines of one thousand~~
5 ~~dollars (\$1,000) per day until the hospital is in compliance with the~~
6 ~~licensed nurse-to-patient ratios or the plan of correction.~~

7 ~~(d) If the department determines that a subsequent~~
8 ~~substantiated complaint involves a prior plan of correction in the~~
9 ~~same unit of a hospital, and the deficiency poses an immediate and~~
10 ~~substantial risk to the health or safety of patients, the department~~
11 ~~may assess fines of five thousand dollars (\$5,000) per day until the~~
12 ~~hospital is in compliance with the plan of correction. A Section~~
13 ~~1276.4, the department shall assess a fine of one thousand dollars~~
14 ~~(\$1,000).~~

15 (d) A licensee may appeal a fine assessed pursuant to this
16 subdivision. If a fine is appealed pursuant to this subdivision,
17 proceedings shall be conducted in accordance with Section
18 100171.

19 ~~(e) It is the intent of the Legislature that funds derived from any~~
20 ~~fines collected pursuant to this section be used by the department's~~
21 ~~Licensing and Certification Division to fund hospital inspections.~~

22 ~~(f) If a hospital has not complied with the approved plan of~~
23 ~~correction and the department does not assess a fine, the~~
24 ~~department shall issue a statement of reason to the hospital and to~~
25 ~~the individual or entity that made the complaint.~~

26 ~~(g)~~

27 (e) The notice of deficiency along with the approved plan of
28 correction shall be posted in the nurses' station or designated
29 nurses' area of the unit where the deficiency occurred until the
30 department determines that the hospital has complied with the
31 approved plan of correction.

32 (f) For purposes of this section, "immediate jeopardy" means
33 a situation in which the hospital's noncompliance with one or more
34 requirements of licensure has caused or is likely to cause serious
35 injury, harm, impairment, or death to a patient.